

WPA 3254 of 2019

**Raghunath Roy
Vs.
State of West Bengal & Ors.**

**Mr. G.F. Hossain,
Ms. Priyanka Mondal,
Ms. Varsha Roy.**

... for the petitioner

**Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Tarak Karan.**

... for the State

1. The writ petitioner has sought for the relief that the respondent no. 2/ Principal Secretary, Government of West Bengal should disclose about the actions taken by him regarding the issues connected with this writ petition being referred to him by the District Magistrate.

2. The writ petitioner also seeks that the disclosure of actions taken as against the erring officials allegedly involved in the misconduct and defalcation in connection with the Government project, be made.

3. The project work was for construction of 16.3 mtrs. Span of R.C.C. Bridge at Charanpur road under Baraboni Police Station, District Burdwan.

4. Allegedly, the entire project had suffered from gross malpractice due to misconduct by the concerned officials who were engaged in defalcation of the project work cost and, thus, misappropriated the Government money allotted for the same. A

Public Interest Litigation was filed and the Court had ordered the District Magistrate to look into the matter.

5. The District Magistrate, after conducting preliminary enquiry, had forwarded the file to the Principal Secretary, Personal and Administrative Reforms Department (P & AR), for further necessary action.

6. The writ petitioner's grievance is that since after reference of the entire matter to P & AR, there has been no development with regard to taking appropriate action against the concerned erring officials engaged in the malpractice, as regards the said project.

7. Hence, the writ petitioner has sought for the relief as stated above.

8. Mr. G.F. Hossain, learned counsel for the writ petitioner has indicated that the State respondent was directed to file upto date status report in the matter, today in Court.

9. Mr. Karan, learned counsel for the State is ready with the report and submits the same to the Court.

10. On perusal of the reports from Personal and Administrative Reforms Department, Vigilance Cell dated 08.01.2024 enclosing an order dated 21.01.2021 and that submitted by the Commissioner, Backward Classes Welfare and Tribal Development dated 10.01.2024, it appears that the concerned respective departments have taken steps

with respect to the officers namely, i. Shri Debaprasad Mukherjee, ii. Shri Nani Gopal Das and iii. Shri Shymal Kumar Ghosh in the manner as follows:-

(i). Report with regard to Shri Debaprasad Mukherjee:-

“WHEREAS Shri Debaprasad Mukherjee, WBCS (Exe), erstwhile Project Officer cum District Welfare Officer (P.O cum D.W.O.) Burdwan under Backward Classes Welfare (B.C.W) Department, Government of West Bengal, presently Deputy Magistrate & Deputy Collector, Hooghly was proceeded upon Departmentally on three headed charges for his allegedly committed irregularity towards implementation of “Construction of bridge over Charanpur Khal” by violation of tender formality, under Rule 10 of WBS(CC&A) Rules, 1971, vide this Deptt.’s Order No. 681-P&AR(Vig.) dated 16/11/2018.”

(ii). Report with regard to Sri Nani Gopal Das:-

“1. At first Sri Nani Gopal Das was issued a show-cause letter vide memo no. 1384/BCWTD, dated 02.01.2

2. He submitted repleis on charges framed against him.

3. Not being satisfied with the repleis, the undersigned as the Disciplinary Proceeding Authority instructed the Additonal Director, BCW & TD & Ex-Officio Special Secretary to the Govt. of W.B. to start Disciplinary Proceeding against Sri Nani Gopal Das.

4. Charges framed against Sri Nani Gopal Das vide memo no. 1429/BCWTD dated 08.01.2024.

5. For inquiry the undersigned as the Disciplinary Proceeding Authority appointed Sri Saibal Chakraborty, Additional Director, BCW & TD and Ex-

Officio Special Secretary to the Govt. of W.B. as the inquiry Officer and the P.O. cum D.W.O., Purba Burdwan as the Presenting Officer vide memo no. 1420 and 1433, dated 08.01.2024.

6. **Accordingly, the Inquiry Officer established the fault of Sri Nani Gopal Das and call the concerned authorities for hearing on 09.01.2024 at 2.30.p.m. at the chamber of Sri Saibal Chakraborty, Additional Director, BCW & TD and Ex-Officio Special Secretary to the Govt. of W.B. at Mitra Building, 2nd Floor, 8, Lyons rangge, Kolkata- 700001.**
7. **Receiving the report of the hearing from the Inquiry Officer the undersigned as the Disciplinary Proceeding Authority decided to pass an order vide memo no. 1443/bcwRD, dated 10.01.2024. In that order, the undersigned as the Disciplinary Proceeding Authority imposed a penalty of Rs.1,75,661/- to Nani Gopal Das and in pursuance of section 8(iii) of West Bengal Service (Classification, Control and Appeal) Rules, 1971, ordered to recover the entire of the amount i.e Rs.175661/-from salary in Ten (10) equal installment or he may be asked deposit the in one lump in the Government's account through TR-7. within 7 (Seven) days.**
8. **Hereby, the Departmental Proceeding against Sri Nani Gopal Das is disposed of."**

iii). Report with regard to Sri Shyamal Kumar

Ghosh:-

" Further another accused Sri Shyamal Ghosh Ex-Inspector Backward Classes Welfare, Purba Bardhaman retired from Service on 31/05/2014 AN Super annuation and therefore there is no scope of starting Departmental Procedure against according to DCRB Rules 1971."

11. Hence, it is submitted and also seen that the concerned departments have already undertaken proceeding against the respective officers and concluded the same culminating into infliction of appropriate punishment against them respectively, in terms of the applicable service rules.

12. Thus, this Court finds no further issues left out for adjudication in this case.

13. The writ petition being W.P.A. 3254 of 2019 is disposed of with the findings as above. Connected applications, if any, is disposed of too.

14. Let the two reports submitted by the State be kept with the record.

15. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rai Chattopadhyay, J.)